

ZILKP08US

REMARKS

Remarks to follow correspond with numbered points of the office action.

5

Election/Restrictions

1,2. Applicants acknowledges the withdrawal of claims 29-31 and 60-62 following applicants' election of group I.

Double Patenting

10 3-6. Applicants enclose the attached terminal disclaimer to overcome the various double-patenting rejections issued in this action. This is being offered without prejudice on the substantive issues of obviousness raised in this section of the action.

15

Information Disclosure Statement

The last two items on page 3 of the information disclosure statement filed 3/5/02 [3/2/02 appears to be sic] are in compliance with 37 CFR 1.98 because, as was noted in applicants' transmittal letter of that 3/5/02 filing date, these references were previously submitted to the U.S. Patent Office in applicants' prior U.S. application 09/394,377 and need not have been provided under 37 CFR 1.98(d).

25 It is noted that these two references were erroneously omitted from the printing of the parent application 09/394,377 as US patent 6,321,690, and that this omission was later corrected in the certificate of correction dated July 2, 2002 which is

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attached to this reply. It is suspected that this earlier omission may be related to the oversight whereby these references were not considered here.

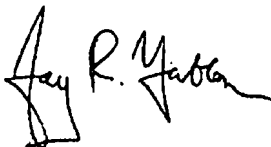
On August 8, 2003, following some earlier facsimile correspondence and after Ms. Lu advised applicants' counsel that she was having difficulty obtaining the file for US patent 6,321,690 which would have had these references included therein, applicants' counsel sent a 30-page fax to Ms. Lu with a copy of these references and their translations.

Applicants respectfully request that the next action confirm consideration of these references, and if these references prevent immediate allowance in any manner, that this next action be non-final so that applicants will have ample opportunity to reply since these should have been considered with the last action.

Conclusion

Based on the attached terminal disclaimer, and following consideration of the erroneously-excluded references, applicants respectfully request and look forward to a notice of allowance in the near future.

Respectfully submitted,



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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 6,321,690 B1
DATED : November 27, 2001
INVENTOR(S) : Zilka et al.

Page 1 of 1

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Title page.

Item [56], **References Cited**, under "OTHER PUBLICATIONS" please add the following:

– VBB publication number 541 070 8 (GDR, 1930), pages 3440352 & 407

Jendersie, H. : Untersuchungen zum Konturensprengen beim untertagigen Abau. Neue Bergbautechnik 3 (1973) H. 3. --

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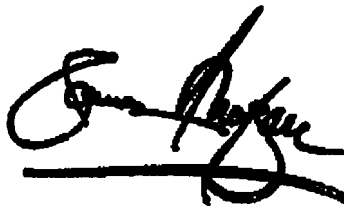
SEP 11 2003

OFFICIAL

Signed and Sealed this

Second Day of July, 2002

Attest:



Attesting Officer

JAMES E. ROGAN
Director of the United States Patents and Trademark Office